

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TWIN LAKES PLAZA, LLC,

Plaintiff,

v.

EAGLE WEST INSURANCE COMPANY,

Defendant.

No.: 2:22-cv-01048-BJR

STIPULATED MOTION AND ORDER TO
CONTINUE TRIAL AND AMEND CASE
SCHEDULE

I. JOINT MOTION

Pursuant to LCR 16(b)(6), Plaintiff Twin Lakes Plaza, LLC (“Twin Lakes”) and Defendant Eagle West Insurance Company (“Eagle West”) jointly request that the Court continue the trial date from March 11, 2024, to May 13, 2024, and amend the case schedule in a manner consistent with the trial continuance as proposed herein. Twin Lakes and Eagle West (collectively, the “Parties”) submit that there is good cause for this continuance based on recent developments that the Parties anticipate will facilitate a settlement without engaging in protracted and costly discovery.

II. DISCUSSION

This case arises out of a dispute over the benefits due under an insurance policy issued by Eagle West to Twin Lakes, for repairs to property owned by Twin Lakes. Twin

Lakes has already undertaken those repairs, and they are nearing completion. Twin Lakes will not know the exact cost of the repairs until they are complete. Because the amount of damages Twin Lakes seeks is based on the total cost of the repairs, the uncertainty regarding the repair costs makes it difficult for the Parties to negotiate a settlement at this time. Accordingly, the Parties agree that the trial and forthcoming deadlines should be continued an additional sixty days to allow for time to complete the repairs and engage in settlement negotiations before incurring the time and expense of engaging in protracted discovery. Because the expert report deadline is currently set for September 13, 2023 and the discovery deadline is set for October 13, 2023, the Parties will need to begin incurring significant costs now, before having an opportunity to negotiate a settlement after the repairs are complete, if the deadlines are not continued an additional sixty days.

For the foregoing reasons, the Parties request that the Court reset the trial for May 13, 2024, and issue a new case scheduling order with deadlines corresponding to the new trial date.

In accordance with the requested 60-day continuance of the trial, the Parties stipulate to the following extension of the remaining case deadlines:

Event	Current Deadline	New Deadline
Reports from expert witnesses under FRCP 26(a)(2) due	September 13, 2023	November 13, 2023
Discovery completed by	October 13, 2023	December 13, 2023
All dispositive motions must be filed by	November 13, 2023	January 15, 2024
All motions <i>in limine</i> must be filed by	February 5, 2024	April 1, 2024
Joint Pretrial Statement	February 13, 2024	April 15, 2024
Pretrial conference at 10:30 a.m.	February 26, 2024	April 29, 2024
Jury Trial Date	March 11, 2024	May 13, 2024

Length of Jury Trial	5-7 days	5-7 days
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III. CONCLUSION

The Parties do not seek this continuance due to any desire to delay or lack of diligence in pursuing discovery. Rather, the Parties believe that it would be mutually beneficial to have additional time to attempt to reach a settlement without incurring significant costs on discovery.

For the foregoing reasons, the Parties respectfully and jointly request that this Court continue the trial date and extend the remaining pre-trial deadlines set forth in Dkt. 25 as proposed herein, pursuant to Federal Rule of Civil Procedure 6(b) and LCR 16(b)(6).

DATED: August 18, 2023

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ORDER

Pursuant to the joint motion of the Parties, and for good cause shown, the deadlines in Dkt. 25, Stipulated Motion and Order to Continue Trial and Amend Case Schedule, are amended as set forth in the table below.

Event	Current Deadline	New Deadline
Reports from expert witnesses under FRCP 26(a)(2) due	September 13, 2023	November 13, 2023
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Jury Trial Date	March 11, 2024	May 13, 2024
Length of Jury Trial	5-7 days	5-7 days

IT IS SO ORDERED this 21st day of August, 2023.



HONORABLE BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE

4881-6827-6856.1